

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 18, 2009

House of Representatives

The House convened at 11:00 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Hartgen. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Keisha Hale, Page.

Approval of Journal

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixty-fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 17, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 35](#), [H 45](#), [H 123](#), and [H 64](#), as amended in the Senate, as amended in the Senate.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 17, 2009

Mr. Speaker:

I return herewith enrolled [HCR 21](#) which has been signed by the President.

WOOD, Secretary

Enrolled [HCR 21](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 17, 2009

Mr. Speaker:

I transmit herewith [S 1086](#) and [S 1137](#) which have passed the Senate.

WOOD, Secretary

[S 1086](#) and [S 1137](#) were filed for first reading.

March 17, 2009

Mr. Speaker:

I return herewith [H 143](#) which has passed the Senate.

WOOD, Secretary

[H 143](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 245](#).

CLARK, Chairman

[H 245](#) was referred to the Education Committee.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 36](#), [H 37](#), [H 83](#), [H 51](#), and [H 102](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 36](#), [H 37](#), [H 83](#), [H 51](#), and [H 102](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 17, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HCR 29](#) and [H 214](#) and recommend that they do pass.

LOERTSCHER, Chairman

[HCR 29](#) and [H 214](#) were filed for second reading.

March 17, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1046](#) and [S 1050](#) and recommend that they do pass.

CLARK, Chairman

[S 1046](#) and [S 1050](#) were filed for second reading.

March 17, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that [S 1132](#) be returned to the Desk for re-referral.

NONINI, Chairman

[S 1132](#) was referred to the Environment, Energy, and Technology committee.

March 17, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that [HJM 6](#) be returned to the Desk for re-referral.

LOERTSCHER, Chairman

[HJM 6](#) was filed for second reading.

March 17, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [S 1126](#) and recommend that it do pass.

BLACK, Chairman

[S 1126](#) was filed for second reading.

March 18, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [S 1060](#), as amended, and recommend that it do pass.

NONINI, Chairman

[S 1060](#), as amended, was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 7 BY EDUCATION COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF HEALTH AND HUMAN SERVICES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho ranks 49th out of the 50 states for physicians in patient care per 100,000 population; and

WHEREAS, 27 of Idahos 44 counties have less than one physician in patient care per 1,000 population; and

WHEREAS, approximately 31% of Idahos primary care physicians are 55 or older; and

WHEREAS, Idaho ranks 47th out of the 50 states for medical school seats per 100,000 population; and

WHEREAS, Idaho residents who make application to medical school regularly exceed national averages for Medical College Admissions Test scores and GPA; and

WHEREAS, of 156 Idaho residents who applied to medical school in 2008, only 58 (or 37%) matriculated; and

WHEREAS, Idaho is the largest state in the nation without a medical school, and only one of six states in the nation that does not have an allopathic medical school; and

WHEREAS, an independent national study has shown that on average for every dollar directly spent by medical schools and teaching hospitals, the indirect economic impact is multiplied by a factor of 1.3 for a total impact of \$2.30; and

WHEREAS, the American Academy of Family Physicians estimates that each family physician in Idaho has an economic impact of \$812,189 per year; and

WHEREAS, the 2008 Legislative Council Interim Committee on Medical Education recommended, inter alia, the development of an Idaho-based four-year medical education program.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that federal funding be identified and made available for the delivery of the doctor of medicine (MD) degree in the state of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Health and Human Services, President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 7](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 248 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1306, IDAHO CODE, TO DEFINE "BASE PERIOD" AND "ALTERNATIVE BASE PERIOD" FOR CLAIMANTS WHO HAVE INSUFFICIENT WAGES IN THE BASE PERIOD TO ESTABLISH ELIGIBILITY FOR UNEMPLOYMENT BENEFITS; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE THAT CERTAIN CLAIMANTS SHALL NOT BE DENIED REGULAR UNEMPLOYMENT BENEFITS SOLELY BECAUSE THEY ARE SEEKING ONLY PART-TIME WORK, TO DEFINE A PHRASE, TO PROVIDE A SPECIFIC CODE REFERENCE, TO PROVIDE THAT CERTAIN JOB TRAINING MUST BE COMPLETED IN TWO YEARS, TO PROVIDE THAT CERTAIN CLAIMANTS SHALL BE ELIGIBLE FOR TRAINING EXTENSION BENEFITS, TO PROVIDE CRITERIA, TO PROVIDE FOR WEEKLY TRAINING BENEFIT EXTENSION AMOUNTS, TO PROVIDE THAT THE APPLICATION OF CERTAIN PROVISIONS SHALL NOT RESULT IN A DENIAL OF TRAINING EXTENSION BENEFITS AND TO PROVIDE THAT EMPLOYERS' ACCOUNTS SHALL NOT BE CHARGED FOR TRAINING EXTENSION BENEFITS PAID TO CLAIMANTS; AND PROVIDING EFFECTIVE DATES.

HOUSE BILL NO. 249
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE STATE OR POLITICAL SUBDIVISIONS; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2349A, IDAHO CODE, TO REQUIRE THAT WHEN A UNITED STATES FLAG OR FLAG OF THE STATE OF IDAHO IS PURCHASED OR SOLD BY THE STATE OR A POLITICAL SUBDIVISION, THE FLAG SHALL BE MANUFACTURED IN THE UNITED STATES.

HOUSE BILL NO. 250
BY APPROPRIATIONS COMMITTEE
 AN ACT

RELATING TO FINANCING THE FUNCTIONS OF STATE GOVERNMENT; PROVIDING A SHORT TITLE; DECLARING LEGISLATIVE INTENT REGARDING GENERAL FUND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2009; CREATING THE AMERICAN REINVESTMENT FUND; AMENDING SECTION 1, CHAPTER 391, LAWS OF 2008, TO REVISE THE PUBLIC SCHOOL APPROPRIATION FOR FISCAL YEAR 2009; AMENDING SECTION 2, CHAPTER 391, LAWS OF 2008, TO REVISE THE DISTRIBUTION OF MONEYS TO THE PUBLIC SCHOOL INCOME FUND; TRANSFERRING FUNDS FROM THE CAPITOL ENDOWMENT INCOME FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE AQUIFER PLANNING AND MANAGEMENT FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE PERMANENT BUILDING FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND; REDUCING THE APPROPRIATION TO AGENCIES AND INSTITUTIONS FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO AGENCIES FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO AGENCIES AND INSTITUTIONS FOR EMPLOYER HEALTH INSURANCE COSTS FOR FISCAL YEAR 2009; LIMITING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE LEGISLATIVE FUND; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2009; INCREASING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 251
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4113, IDAHO CODE, TO REVISE CODE REFERENCES, TO REVISE PROVISIONS RELATING TO CERTAIN FEES, TO PROVIDE THAT PUBLIC SCHOOL BUILDING PLANS SHALL BE APPROVED BY EITHER THE LOCAL GOVERNMENT OR THE DIVISION OF BUILDING SAFETY, TO PROVIDE THAT CERTAIN CITIES AND COUNTIES SHALL BE ELIGIBLE TO PERFORM SCHOOL PLAN REVIEWS IF CERTAIN REQUIREMENTS ARE MET, TO PROVIDE REQUIREMENTS REGARDING PLANS EXAMINERS WHO PERFORM PLAN REVIEWS, TO PROVIDE FOR CERTAIN CONTRACTS, TO PROVIDE PROVISIONS RELATING TO COUNTY ELIGIBILITY TO PERFORM CERTAIN PLAN REVIEW SERVICES, TO PROVIDE FOR CERTAIN COPIES, TO PROVIDE

THAT A SCHOOL DISTRICT MAY ELECT TO UTILIZE CERTAIN SCHOOL PLAN REVIEW SERVICES, TO REVISE PROVISIONS RELATING TO A SCHOOL DISTRICT'S USE OF THE DIVISION OF BUILDING SAFETY'S PLAN REVIEW SERVICES, TO REVISE PROVISIONS RELATING TO THE APPROVAL OF PUBLIC SCHOOL BUILDING PLANS AND TO REVISE PROVISIONS RELATING TO THE APPLICATION OF LAW; AMENDING SECTION 39-4116, IDAHO CODE, TO DELETE REFERENCE TO A DATE; AND AMENDING SECTION 39-8007, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL ESTABLISH A PROGRAM FOR THE TIMELY REVIEW OF PUBLIC SCHOOL CONSTRUCTION PLANS AND TO REVISE A CODE REFERENCE.

HOUSE BILL NO. 252
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO SCHOOL DISTRICT FINANCIAL EMERGENCIES; AMENDING SECTION 33-402, IDAHO CODE, TO PROVIDE FOR NOTICE REQUIREMENTS IN THE EVENT A FINANCIAL EMERGENCY HAS BEEN DECLARED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE ISSUANCE OF CERTAIN CONTRACTS, TO CLARIFY LANGUAGE, TO PROVIDE FOR AN INFORMAL REVIEW UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR A DUE PROCESS HEARING AND PROCEDURE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE TIME IN WHICH THE DUE PROCESS HEARING IS TO BE HELD AND TO PROVIDE THAT A DUE PROCESS HEARING IS NOT REQUIRED UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-522, IDAHO CODE, TO PROVIDE FOR FINANCIAL EMERGENCIES; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-801, IDAHO CODE, TO PROVIDE A TIME REQUIREMENT FOR PREPARATION OF A BUDGET IF A FINANCIAL EMERGENCY HAS BEEN DECLARED; AMENDING SECTION 33-1510, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY.

[H 248](#), [H 249](#), [H 250](#), [H 251](#), and [H 252](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1086](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1137](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 84](#) and [H 225](#), by Education Committee, were read the second time by title and filed for third reading.

H 218, by State Affairs Committee, was read the second time by title and filed for third reading.

S 1065 and S 1109, as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

S 1127 and SJM 101, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1061, by Transportation Committee, was read the second time by title and filed for third reading.

S 1131, by State Affairs Committee, was read the second time by title and filed for third reading.

H 246 and H 247, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mrs. Wood(35) asked unanimous consent that H 53 be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 18, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration H 203, H 97, and H 233 and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 203

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 25, following "ENERGY." insert: "(1)"; in line 26 following "property of" insert: "commercial"; delete lines 31 through 33, and insert: "~~be paid.~~ (2) As used in this section, the term "renewable energy" means energy generated from the following sources: wind energy, geothermal resources, renewable biomass, solar energy and landfill gas power. As used herein "renewable biomass" means any organic matter that is available on a renewable or recurring basis including: renewable plant material including feed grains, other agricultural commodities, other plants and trees and algae; and waste material including crop residue, other vegetative waste material (including wood waste and wood residues), animal waste and byproducts (including fats, oils, greases and manure) and construction waste and yard waste."

Any property exempt from taxation pursuant to this section shall not be included on the new construction roll pursuant to section 63-301A, Idaho Code.

Property exempt from taxation pursuant to this section means industrial fixtures, devices and support facilities that are integral and necessary to the generation of electricity using wind, geothermal resources, renewable biomass, sun, or landfill gas as the principal source of power.

"Machinery and equipment" includes all operating property as described in section 63-3501(h), Idaho Code. "Machinery and equipment" does not include: hand-powered tools; property with a useful life of less than one (1) year; repair parts required to restore machinery and equipment to normal working order; replacement parts that do not increase productivity, improve efficiency or extend the useful life of machinery and equipment; buildings or building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building. "Machinery and equipment" is used directly in generating electricity by wind energy, geothermal resources, renewable biomass, solar energy or landfill gas power if it provides any part of the process that captures the energy of the wind, geothermal resources, renewable biomass, sun, or landfill gas, converts that energy to electricity and stores, transforms or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems or for the owner's own use.

The owner of an existing renewable energy project, which is not exempt from property taxation on February 1, 2009, shall make an election as to whether to be taxed on the property tax or the production tax. The owner shall certify to the county assessor and the state tax commission by April 15, 2010, that he is making application for the exemption allowed pursuant to this section. Once the owner of the property applies for the exemption and the exemption is granted, the property shall forever be exempt from property taxation as long as it qualifies for the exemption provided pursuant to this section by virtue of payment of the tax provided in section 63-3502B, Idaho Code, and produces electric energy."

AMENDMENT TO SECTION 2

On page 3, delete lines 5 through 7, and insert:

"(j) The term "renewable energy" means energy generated from the following sources: wind energy, geothermal resources, renewable biomass, solar energy and landfill gas power. As used herein "renewable biomass" means any organic matter that is available on a renewable or recurring basis including: renewable plant material including feed grains, other agricultural commodities, other plants and trees and algae; and waste material including crop residue, other vegetative waste material (including wood waste and wood residues), animal waste and byproducts (including fats, oils, greases and manure) and construction waste and yard waste."

CORRECTION TO TITLE

On page 1, delete line 5, and insert: "IS EXEMPT FROM TAXATION, TO DEFINE TERMS AND TO PROVIDE APPLICATION;"

HOUSE AMENDMENT TO H.B. NO. 203

AMENDMENT TO THE BILL

On page 5 of the printed bill, following line 14, insert: "SECTION 8. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS – LIMITATION ON TAX CHARGES – EXCEPTIONS. (1) Except as provided in subsection (3) of this section for tax year 1995, and each year thereafter, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of:

- (a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, plus the dollar amount of moneys received pursuant to section 63-3638(12), Idaho Code, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue that would have been generated by applying the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(10), Idaho Code, to any increase in market value subject to taxation resulting from new construction or change of land use classification as evidenced by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor; or
- (b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made; or
- (c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section; or
- (d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code; or
- (e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed; or
- (f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section; or
- (g) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section; or

(h) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district; or

(i) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code; or

(j) In the instance where a taxing district received money pursuant to section 63-3502B, Idaho Code, and the alternative energy equipment no longer produces electrical energy, the taxing district may increase the dollar amount of property taxes certified for its annual budget by the amount received pursuant to section 63-3502B, Idaho Code, during the alternative energy equipment's last full year of production.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes which exceeds the limitation imposed in subsection (1) of this section, unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year.";

in line 15, delete "8" and insert: "9".

CORRECTION TO TITLE

On page 1, in line 18, following "ENERGY;" insert: "AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE FOR A TAXING DISTRICT'S PROPERTY TAX BUDGET IF THE ALTERNATIVE ENERGY EQUIPMENT CEASES TO PRODUCE ELECTRICITY;"

HOUSE AMENDMENT TO H.B. NO. 97

AMENDMENT TO SECTION 1

On page 1 of the printed bill, following line 19, insert:

"(4) A person may drive an emergency vehicle in a high occupancy vehicle lane regardless of the number of passengers, without penalty, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when

responding to but not upon returning from a fire alarm or when performing normal patrol duties.

(5) A person may drive an authorized maintenance vehicle in a high occupancy vehicle lane regardless of the number of passengers, without penalty, when necessary to perform maintenance of that lane.;

in line 20, delete "(4)" and insert: "(6)"; in line 21, delete "two hundred dollars (\$200)" and insert: "one hundred dollars (\$100)"; delete line 22, and insert:

"(7) For the purposes of this section, the following terms have the following meanings:

(a) "High occupancy vehicle lane" means a designated lane of laned roadway where the use of such designated lane is restricted to vehicles carrying at least the minimum number of persons as provided for in this section and as designated by the director of the Idaho transportation department as indicated on official signs and other official traffic-control devices.

(b) "Public transportation vehicle" means a vehicle that:"; in line 23, delete "(a)" and insert: "(i)"; in line 26, delete "(b)" and insert: "(ii)"; and following line 29, insert:

"(8) The provisions of this section shall apply only in counties with a population less than twenty-five thousand (25,000), according to the most recent census within the state of Idaho, and where such county includes a resort city authorized to approve certain nonproperty taxes pursuant to section 50-1044, Idaho Code.".

CORRECTION TO TITLE

On page 1, delete line 6, and insert: ", TO PROVIDE DEFINITIONS AND TO PROVIDE FOR APPLICATION OF LAW.".

HOUSE AMENDMENT TO H.B. NO. 233

AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 17, following "Code," insert: "and renewable biomass which means any organic matter that is available on a renewable or recurring basis from forest or farm land,".

We have also under consideration [H 198](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 203](#), as amended, [H 97](#), as amended, and [H 233](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[H 198](#) was retained on General Orders.

The amendments were referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Thursday, March 19, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:55 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk